

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CALENDAR NO.

NUMBER JCCP 4221	COMPLAINT DATE	HEARING DATE	HEARING TIME	DEPT 21	COURT USE ONLY F I L E D Clerk of the Superior Court FEB 28 2006 By: K SANDOVAL, Deputy
JUDGE/COMMISSIONER Ronald S. Prager		CLERK K Sandoval			
REPORTER Peter Stewart		CSR # 3184			
PLAINTIFF/PETITIONER Natural Gas - Pipeline		DEFENDANT/RESPONDENT			
The above matter came on for hearing with the below appearances for:					
ATTORNEY OF RECORD		PHONE		APPEARANCE BY	
So Cal Full serv				David Smith IT	
				Tracy	
				Dave	
				Chen	
				R. B. [unclear]	
PIPELINE					
(add'l signatures - use attached sheet)					

IT IS ORDERED AS FOLLOWS:

signature of MS + objectives

existing pipeline order will apply

John Smith IT

Dave

Chen

R. B. [unclear]

Motion to compel discovery vs. Simpson

Samantha and some discovery - newspaper material motion

So Cal Full 3/3

- GNC motion with joint

Oppo. 3/13/06

Reply 3/15/06

Reply 3/23/06 at 10⁰⁰ AM.

ESTIMATED TRIAL TIME: _____ day(s). JURY / NON-JURY

☐ Ordered dismissed with _____ without _____ prejudice.

IT IS SO ORDERED:

Dated: **2/28/06**

Ronald S. Prager
JUDGE/COMMISSIONER OF THE SUPERIOR COURT

ID 10673363

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F I L E D

Clerk of the Superior Court

FEB 28 2006

By: K SANDOVAL, Deputy

Attorneys for Plaintiffs ANDREW AND ANDREA BERG, individually and dba WAVE
LENGTH HAIR PRODUCTIONS; GERALD J. MARCIL and JOHN CLEMENT MOLONY

[ADDITIONAL COUNSEL FOLLOW SIGNATURE BLOCK]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Coordination Proceeding Special Title
(Rule 1550(b))

NATURAL GAS ANTI-TRUST CASES
I, II, III & IV

[This Document Relates to the Pipeline
Cases Only]

J.C.C.P. Nos. 4221, 4224, 4226 and 4228

**STIPULATION AND [PROPOSED] ORDER
IN RESPONSE TO SOUTHERN
CALIFORNIA EDISON COMPANY'S EX
PARTE MOTION FOR EXPEDITED
DISCOVERY**

Hearing Date: February 28, 2006

Time: 10:00 a.m.

Department: 71

Coordination Trial Judge: Hon. Ronald S. Prager

WHEREAS on February 21, 2006, Southern California Edison Company ("Edison")
filed a motion seeking discovery from the Plaintiffs and the Sempra defendants relating to the
proposed settlement that was joined by the People of the State of California *ex rel.* Bill
Lockyer, Attorney General of the State of California, the California Department of Water
Resources, and the California Electricity Oversight Board ("collectively State Agencies"), and
Pacific Gas & Electric Company ("PG&E");

**STIPULATION AND [PROPOSED] ORDER IN RESPONSE TO SOUTHERN CALIFORNIA EDISON
COMPANY'S EX PARTE MOTION FOR EXPEDITED DISCOVERY**

1 WHEREAS on February 22, 2006, this Court held a hearing on Edison's motion that
2 was brought to the Court on an *ex parte* basis;

3 WHEREAS at this February 22, 2006 hearing, the Plaintiffs proposed to Edison and
4 the State Agencies, in lieu of the discovery sought from Plaintiffs in the motion, the ability to
5 timely depose those persons who will provide testimony on support of the value of the non-
6 cash components of the proposed settlement, after receipt of the experts' work papers and final
7 report; and

8 WHEREAS after further discussion Plaintiffs, Edison, PG&E and the State Agencies
9 have reached an agreement, subject to this Court's order, that resolves the pending motion for
10 discovery on the settlement as it relates to the Plaintiffs (but does not resolve the motion
11 insofar as directed to the Sempra defendants).

12 THEREFORE, the Plaintiffs, Edison, PG&E and the State Agencies agree and stipulate
13 as follows:

14 1. Edison, PG&E and the State Agencies shall file preliminary objections to the
15 settlement on April 13, 2006, with the right to supplement such objections based upon
16 information responsive to or later obtained or derived from the subsequent filings by the
17 Plaintiffs and the depositions and work papers of Plaintiffs' experts who offer testimony
18 concerning the value of any non-cash components of the settlement.

19 2. Plaintiffs shall file their papers in support of the final settlement, including all
20 testimony in support of the papers, no later than May 1, 2006, and shall make a good faith
21 effort to file such documents earlier.

22 3. By April 24, 2006, Plaintiffs shall produce to counsel for Edison and the other
23 parties to this stipulation the expert declarations they intend to file in support of Plaintiffs'
24 motion in support of the final settlement that relate to the valuation of the non-cash
25 components of the settlement. Plaintiffs will also provide counsel for Edison the work papers
26 supporting the same expert declarations. The produced work papers shall include the
27 documentation relied upon by the experts as well as the calculations completed by the experts
28 to support their opinions. It is expressly understood that the work papers shall not include any

1 drafts prepared by the experts or any attorney-client communication between the experts and
2 counsel for Plaintiffs.

3 4. Plaintiffs shall make their experts reasonably available to Edison, PG&E and
4 the State Agencies for deposition within seven days of the filing of Plaintiffs' papers in
5 support of the final settlement.

6 5. By May 24, 2006, Edison, PG&E and the State Agencies may file supplements
7 to the objections filed on April 13, 2006, that shall be deemed to relate back to their April 13,
8 2006 objections.

9 6. Contemporaneous with the filing of their supplements, Edison and the State
10 Agencies shall produce to Plaintiffs' counsel the work papers of any expert witness providing
11 testimony related to the valuation of the non-cash component of the settlement. The produced
12 work papers shall include the documentation relied upon by the experts as well as the
13 calculations completed by the experts to support their opinions. It is expressly understood that
14 the work papers shall not include any drafts prepared by the experts or any attorney-client
15 communication between the experts and counsel for Edison and/or the State Agencies.

16 7. Within seven days of their filing, Edison and the State Agencies shall make
17 their experts available to Plaintiffs for deposition.

18 8. On or before June 5, 2006, Plaintiffs shall have the right to file a reply to any
19 supplement filed by Edison and the State Agencies, and any such papers shall be served by
20 email on the parties to this stipulation not later than noon on June 5, 2006.

21 9. Other than as expressly provided above, Edison, PG&E and the State Agencies
22 shall not pursue any additional discovery directed at the Plaintiff, but Edison and the State
23 Agencies reserve the right to seek such discovery if they deem in good faith that the
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1 disclosures provided in this stipulation fail to provide them with the information necessary for
2 them to supplement their objection or to prepare for the final hearing.

3 DATE: February 27, 2006

MUNGER, TOLLES & OLSON, LLP

4
5 By: /s/ Kevin S. Allred

6 Kevin Allred
Attorneys for SOUTHERN CALIFORNIA
EDISON COMPANY

7
8 DATE: February 27, 2006

BILL LOCKYER

Attorney General of the State of California

THOMAS GREENE

Chief Assistant Attorney General

MARK BRECKLER

Senior Assistant Attorney General

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11 By: /s/ Martin Goyette

MARTIN GOYETTE

Supervising Deputy Attorney General

Attorneys for the PEOPLE OF THE

STATE OF CALIFORNIA *ex rel.* BILL

LOCKYER, ATTORNEY GENERAL OF

THE STATE OF CALIFORNIA and

CALIFORNIA DEPARTMENT OF

WATER RESOURCES

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17 DATE: February 27, 2006

KECKER & VAN NEST LLP

18 By: /s/ Krista Anderson

Krista Anderson

Attorneys for PACIFIC GAS & ELECTRIC
COMPANY

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22 DATE: February 27, 2006

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PIERCE O'DONNELL

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and GERALD J. MARCIL; FRANK and

1 KATHLEEN STELLA; JOHN CLEMENT
2 MOLONY; DOUGLAS AND VALERIE
3 WELCH; SIERRAPINE, LTD.; THE CITY
4 OF LONG BEACH, THE PEOPLE OF
5 THE STATE OF CALIFORNIA, UNITED
6 CHURCH RETIREMENT HOMES, LONG
7 BEACH BRETHREN MANOR, and
8 ROBERT LAMOND; and THE CITY OF
9 LOS ANGELES and THE PEOPLE OF
10 THE STATE OF CALIFORNIA

11 DATED: February 27, 2006

M. BRIAN MCMAHON

By: /s/ M. Brian McMahon

M. BRIAN MCMAHON

Attorney for Plaintiffs CITY OF LONG
BEACH; LONG BEACH PLAINTIFFS;

12 DATED: February 27, 2006

MICHAEL J. PONCE

DOUGLAS A. STACEY

By: /s/ Michael J. Ponce

MICHAEL J. PONCE

Attorneys for Plaintiffs FRANK and
KATHLEEN STELLA; and DOUGLAS
and VALERIE WELCH

14 IT IS SO ORDERED.

15 Dated: 2/28/06

16 
17 THE HONORABLE RONALD S. PRAGER

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